

Sasse	Sullivan	Tuberville
Scott (FL)	Thune	Wicker
Scott (SC)	Tillis	Young
Shelby	Toomey	

## NOT VOTING—2

Feinstein	Kelly
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The majority leader.

## LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 340.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 340, Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

Charles E. Schumer, Brian Schatz, Benjamin L. Cardin, Robert Menendez, Tammy Duckworth, Christopher A. Coons, Kirsten E. Gillibrand, Jacky Rosen, Patrick J. Leahy, Mazie Hirono, Margaret Wood Hassan, Jack Reed, Sheldon Whitehouse, Tammy Baldwin, Richard J. Durbin, Chris Van Hollen, Tina Smith.

## LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

## CLOTURE MOTION

Mr. SCHUMER. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 1301, an act to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans, and for other purposes.

Charles E. Schumer, Angus S. King, Jr., Gary C. Peters, Tammy Baldwin, Christopher A. Coons, Chris Van Hollen, Elizabeth Warren, Patrick J. Leahy, Michael F. Bennet, Richard J. Durbin, Brian Schatz, Benjamin L. Cardin, Sheldon Whitehouse, Debbie Stabenow, Tim Kaine, Martin Heinrich, Jacky Rosen.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motions filed today, October 4, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT—S. Res. 357

Mr. SCHUMER. Mr. President, I ask unanimous consent that S. Res. 357 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

## ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 21-0C. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-37 of May 3, 2019.

Sincerely,

HEIDI H. GRANT,  
Director.

Enclosures.

TRANSMITTAL NO. 21-0C

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Prospective Purchaser: Government of the United Arab Emirates.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 19-37; Date: May 3, 2019; Implementing Agency: Army; Funding Source: National Funds.

(iii) Description: On May 3, 2019, Congress was notified by Congressional certification transmittal number 19-37 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of up to four hundred fifty-two (452) Patriot Advanced Capability 3 (PAC-3) Missiles Segment Enhanced (MSE). Also included are tools and test equipment, support equipment, publications and technical documentation, personnel training and training equipment, spare and repair parts, facility design, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics, sustainment and program support. The estimated cost was \$2.728 billion. Major Defense Equipment (MDE) constituted \$2.7 billion of this total.

This transmittal reports the inclusion of an additional five hundred ten (510) Patriot Advanced Capability 3 (PAC-3) Missiles Segment Enhanced (MSE) (includes 10 fly-to-buy missiles). The following non-MDE items will also be included: tools and test equipment, support equipment, publications and technical documentation, personnel training and training equipment, spare and repair parts, facility design, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics, sustainment and program support. The total cost of the new MDE articles is \$2.728 billion. The total notified cost of MDE will increase to \$5.428 billion, and the total notified case value will increase to \$5.90 billion.

(iv) Significance: The proposed articles and services will support the United Arab Emirates' ability to maintain a reserve stock of PAC-3 MSE missiles to ensure adequate capability to defend their homeland from regional threats. The proposed sale will also improve the UAE's Air Force and Air Defense's (AFAD's) ability to defend population centers, friendly forces, infrastructure, and other critical assets in support of combined contingency operations, and to promote regional security.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE has been, and continues to be, a vital U.S. partner for political stability and economic progress in the Middle East.

(vi) Sensitivity of Technology: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

(vii) Date Report Delivered to Congress: September 28, 2021.

### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, and consistent with section 7019(e) of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2020 (Div. G, P.L. 116-94) and the accompanying Joint Explanatory Statement, 165 Cong Rec H11431 (December 17, 2019), we are forwarding Transmittal No. 0F-21. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-63 of November 19, 2019.

Sincerely,

HEIDI H. GRANT,  
Director.

Enclosures.

TRANSMITTAL NO. 0F-21

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(b)(5)(A), AECA)

(i) Prospective Purchaser: Government of Morocco.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 19-63.

Date: November 19, 2019.

Military Department: Army.

Funding Source: National Funds.

(iii) On November 19, 2019, Congress was notified by Congressional certification transmittal number 19-63, of the possible sale under Section 36(b)(1) of the Arms Export Control Act of the possible sale to the Kingdom of Morocco of thirty-six (36) AH-64E Apache attack helicopters (24 new, 12 optional); seventy-nine (79) T700-GE-701D engines (72 installed, 6 spares); thirty-six (36) AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensors (M-TADS/PNVIS); eighteen (18) AN/APG-78 Fire Control Radars (FCR) with Radar Electronic Units (REU); eighteen (18) AN/APR-48B Modernized—Radar Frequency Interferometers

(MRFI); five hundred fifty-one (551) 114AGM-114R Hellfire missiles (441 new, 110 optional); sixty (60) AGM-114L Hellfire missiles; seventy-two (72) M36E9 Hellfire Captive Air Training Missiles (CATM); five hundred eighty-eight (588) Advanced Precision Kill Weapon System (APKWS) kits (478 installed, 110 optional); seventy-eight (78) Embedded Global Positioning Systems with Inertial Navigation (EGIs) (72 installed, 6 spares); thirty-nine (39) AAR-57 Common Missile Warning Systems (CMWS) (36 installed, 3 spares); and two hundred (200) AIM-92H Stinger missiles. Also included were twenty-one (21) Manned-Unmanned Teaming-2 (MUMT-2) video receivers (18 installed, 3 spares); thirty-nine (39) Manned-Unmanned Teaming-2 (MUMT-2) air-air-ground kits (36 installed, 3 spares); thirty-nine (39) AN/APR-39D(V)2 radar signal detecting sets (36 installed, 3 spares); thirty-nine (39) AN/AVR-2B laser detecting sets (36 installed, 3 spares); thirty-nine (39) AN/APX-123 or AN/APX-123A common transponders (36 installed, 3 spares); thirty-nine (39) IDM-401 Improved Data Modems (36 new, 3 spares); six (6) Link-16 terminals; thirty-nine (39) Improved Countermeasure Dispensing System (ICMD) (36 installed, 3 spares); thirty-nine (39) AN/ARN-149 (V)3 automatic direction finders (36 installed, 3 spares); thirty-nine (39) Doppler ASN-157 Doppler radar velocity sensors (36 installed, 3 spares); thirty-nine (39) AN/APN-209 radar altimeters (36 installed, 3 spares); thirty-nine (39) AN/ARN-153 Tactical Air Navigation (TACAN) sets (36 installed, 3 spares); four (4) TACAN ground stations; thirty-six (36) Very High Frequency Omni-Directional Range/Instrument Landing Systems (VOR/ILS) (36 installed, 3 new); twelve (12) AN/PYQ-10(C) simple key loader (12 new); thirty-six (36) M230E1 + M139 AWS automatic gun (36 new); eighty-one (81) M261 rocket launchers (72 new, 9 spares); seventy-eight (78) M299 missile launchers (72 new, 6 spares); fifty-three (53) Stinger Air-to-Air launchers (53 new); twenty-nine (29) Stinger Captive Flight Trainers (CFT) (29 new); eight (8) Stinger Aerial Handling Trainers (AHT) (8 new); five thousand two hundred sixteen (5,216) 2.75-inch rockets (3,896 new, 1,320 optional); ninety-three thousand (93,000) 30mm rounds (65,500 new, 27,500 optional); secure voice radios; training devices; communication systems; helmets; simulators; generators; transportation and organization equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor technical assistance, technical and logistics support services; and other related elements of logistics support. The total estimated program cost was \$4.25 billion. Major Defense Equipment (MOE) constituted \$3 billion of this total.

This transmittal reports the inclusion of fifty-two (52) AN/ARC-231A (RT-1987) radios. The total estimated value of these additional items is \$9 million, resulting in a revised MDE total of \$3.1 billion. The total estimated case value will remain \$4.25 billion.

(iv) Significance: This proposed sale of defense articles and services supports Morocco's ongoing effort to modernize its armed forces and increase the Army's capacity to detect threats and control its borders, contributing to the maintenance of regional stability and security. This will contribute to the Morocco Royal Armed Forces' effort to update their capabilities and enhance interoperability with the United States and other strategic allies.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO ally that continues to be an important force for

political stability and economic progress in North Africa.

(vi) Sensitivity of Technology: The AN/ARC-231A is a multi-mode software defined radio providing line of sight VHF/UHF secure/non-secure voice and data communications over the 30,000-941,000 MHz frequency and Satellite Communications (SATCOM) beyond line of sight secure/non-secure voice and data including Demand Assigned Multiple ACCESS (DAMA) communications from 240-320 MHz frequency on manned and unmanned aviation platforms. ARC-231A includes improved type-1 cryptographic algorithm and processing capabilities, Civil Land Mobile Radio, Single Channel Ground and Airborne Radios System (SINGARS) capabilities, HAVE QUICK (HQ), Second Generation Anti-Jam Tactical UHF Radio for NATO (SATURN) wave form, 8.33 kHz channel spacing for Global Air-Traffic Management (GATM) compliance, and capability for Mobile User Objective System (MUOS) waveform through possible future hardware and software updates. The highest level of information required to furnish the equipment, training, and data associated with this proposed sale is UNCLASSIFIED.

(vii) Date Report Delivered to Congress: September 28, 2021.

### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

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There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 21-0L. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-36 of August 18, 2017.

Sincerely,

JEDIDIAH P. ROYAL,  
Deputy Director.

Enclosures.

TRANSMITTAL NO. 21-0L

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), (AECA))

(i) Purchaser: Government of Romania.  
Sec. 36(b)(1), AECA Transmittal No.: 17-36;  
Date: August 18, 2017; Military Department: Army.